

1859-012 Chancery Causes: Admr. of William H. H. Spraul vs. John Sisk &
Lee Co.

Sharp

CA Debt
T. Property

To the worshipful, the County Court of Lee
County, in Chancery sitting.

The bill of complaint ^{of E. L. Creech, H. transferee of} ~~Thomas~~ James
Sproul, Administrator of William H. H. Sproul,
who was the beneficial plaintiff, in a certain
action of debt brought by Thomas W. Graham, for
the benefit of said William H. H. Sproul against
John and Timothy Sisk respectfully represents
that on the 21st day of November 1855, ^{judgment was confirmed in favor of} said Graham,
for the benefit of said William H. H. Sproul, ~~the~~
~~finding a judgment~~ against the said John & Timothy
Sisk in the County Court of Lee for \$300. with legal
interest from the 23rd day of October 1847 till paid and
\$6.73 for costs, subject to the following credits, viz: \$29.00
paid October 1st 1847, \$150. paid October 1st 1848, \$72.50 paid
April 1st 1849, \$12.50 paid April 1st 1849, as will be seen
in the copy of said judgment herewith filed marked,
(A). ^{This bill is filed in respect to said debt from said Sproul and} on said judgment, an execution issued and
was returned no property found. Your Orator knows
of no property belonging to either of the said Defts
in this Commonwealth, except a house and
in the town of Jonesville, known as the tavern
property and a house lot adjoining the same
and numbered respectively on the plat of
said town as Nos 6. & 25. belonging to Timothy
Sisk. Your Orator would state that said Timothy
is owing so many debts due by judgment that five
years rent would ~~not~~ hardly begin to pay them.
Your Orator would state that John Sisk is not a res-
ident of this State.

Your Orator therefore prays that said John and Timothy
Sisk be made parties Deft to this bill and be required to
answer on oath the several allegations of this bill, that
an order of publication be directed against John Sisk, and
that on final hearing a decree would be rendered, sub-

Eli B Crockett, transferee of James Sproul Administrator
of William H. H. Sproul Decd., who was the beneficial Plaintiff
in an action of debt brought by Thomas N Graham, against
John & Timothy Sisk, In Chancery.

This Cause came on this day to be heard on
bill of Complainant, & the exhibits filed in the Cause
and it appearing that the Subpoena has been duly
served on Timothy Sisk and publication had as to the
Deft John Sisk, and they not having appeared & an-
swered Complt's bill, It is ordered, adjudged & decreed
that said bill be taken for Confessed as to them, that
they pay to the Complt the sum of money due on said
judgment after taking out the credits endorsed thereon, &
to effectuate the payment thereof, John D Sharp is hereby appoint-
ed a Commissioner to sell so much of said the property describ-
ed in said bill, as may be necessary to pay the same, principle
interest & costs, after deducting the payments as aforesaid, and also
the costs of this suit, whose duty it shall be to make sale
of the same, at aforesaid after giving ~~30 days~~ notice of the
time & place of sale, by posting for that space of time a
notice to that effect on the front door of the Court House of Lee
County, said sale to be on a credit of six months, the purchas-
er giving bond & approved security for the purchase money, the
said Commissioner to sell only so much of said property as
may be necessary to pay the same as aforesaid, and such part
thereof, as will the least injure the value of the rest. And
report ~~the~~ to the Court of See, Untill which time the
Case is Continued

Eli B. Crockett
vs } Decree
John & Timothy Sisk

Acquitted under Book 203

Virginia Sw County Court

This day John D Sharp personally appeared before
the undersigned a justice of said county and made oath that
John Sisk is not a resident of the state of Virginia to the best
of his ^{knowledge} and belief given under my hand this
11th day of September 1858,

S. S Crockett J.P.

Gas Sprawl

es } affidavit

Mr. & Tim Lisk

Read at the Court house in the town of Jonesville on the 31st day of November 1855.

Be it remembered that heretofore to wit on the 17th day of July 1855, came Thomas N. Graham who sues for the benefit of W. H. H. Sprad, and sued out of the clerks office of the said court a summons against John Sisk and Timothy Sisk, which summons with the return thereon made is in the words and figures following to wit

"The Commonwealth of Virginia

To the Sheriff of Lee County Greeting
We command you to summon John Sisk and Timothy Sisk to appear before the County Court of Lee County at the clerks office of our said court, at rules to be holden for the said court on the first Monday in August next to answer Thomas N. Graham who sues for the benefit of William H. H. Sprad of a plea of debt for \$300.00 with legal interest thereon from September 1846. Damage \$300.00, and have then there this writ Witness John W. S. Merison Clerk of our said court at the court house this 17th day of July 1855. in the 80th year of the Commonwealth;)

J. W. S. Merison, Clk,

Upon the back of which is endorsed the following return

"Executed July 25th 1855, on Timothy Sisk,"

J. S. Martin Clk,

And at another day to wit at rules held in the clerks office of the said court on the first Monday in August 1855, came the plaintiff by his attorney and filed his declaration against the defendants, which declaration is in these words

Virginia Lee County Court

Thomas N. Graham, who sues for the benefit of William H. H. Sprad, plaintiff, complains of Timothy Sisk ~~Sisk~~ and John Sisk defendants who have been summoned &c. of a plea

that they render to him the sum of three Hundred dollars with legal interest thereon from the 23rd day of October 1847. which to him they owe, and from him unjustly detain; for this Court that the said defendants heretofore to wit on the said 23rd day of October 1847 at the said County of Sed made their writing obligatory, sealed with their seals and dated on the day and year aforesaid (which writing obligatory the plaintiff cannot now here bring into Court because the same has been lost or destroyed so that it is not within the power of the plaintiff nor does he know where the same is) by which they acknowledged themselves to be indebted to the plaintiff in the said sum of three hundred dollars, for value received to be paid to him two years after the date aforesaid of the said writing obligatory with legal interest thereon from the date aforesaid of said writing obligatory. Nevertheless the defendants did not pay the said sum of money with interest as aforesaid or any part thereof, to the plaintiff two years after the aforesaid date of the said writing obligatory nor have they yet paid the same, with said interest or any part thereof, but the same, with said interest, to pay to the plaintiff or any part thereof they have hitherto wholly failed and refused and still fail and refuse to the plaintiffs damage \$300; and therefore he produces the suit &c.

Johnston P. J.

And it is ordered that judgment be rendered against the defendant for the debt in the declaration mentioned unless he appear here at the next term and plead and take issue.

And now at this day to wit at quarterly Court continued and held for the said County of Sed at the Court House on the same day and year first herein mentioned to wit on the 21st day of November 1848.

Thomas N. Graham who sues for the benefit of N. H. H. Special P. J.

Against
Timothy Sisk

} In debt
Deft }

The defendant not appearing it is considered by the court that the judgement obtained against him in the clerk's office for \$300.- the debt in the declaration mentioned, with legal interest thereon from the 23rd day of October 1847, till paid and the costs be confirmed, subject to the following credits, \$29.00 paid October 1st 1847, \$100.00 paid October 1st 1848, \$72.50 paid April 1st 1849, and \$12.50 paid April 1st 1849

23.73
23.50
8.50
51.00
6.73

A Copy, Teste

A. J. Morgan C. C.

100.

Thos A. Graham for re

vs } Copy Records

Timothy Sisk

for E.B. Brockette,

Virginia

All Rules held in the Clerk's office of the County Court of Lee
County on Monday the 6th day of September 1858

James Sproue administrator of } Complainant
William H. Sproue deceased }

Against
John & Timothy Sisk

Defendants

In Chancery

The object of this suit is to obtain a decree of the Court subjecting
the town lots mentioned in Complainant's bill, to sale for the
payment of the debt therein mentioned.

and it appearing from satisfactory evidence that John Sisk is
not an inhabitant of this Commonwealth. it is ordered that
the said Defendant do appear here within one month after due
publication of this order, and answer the bill of Complainant
or do what is necessary to protect his interest, and that a copy
of this order be forthwith ~~published~~ inserted in some newspaper
published in this Commonwealth for four successive weeks and
posted at the door of the Court house of Lee County.

~~A Copy of the~~

H. J. Morgan, C. C.

James Stewart admr

vs
Order of Publication

John & William D. W.

Expenses 60
Postage 6
Gross 86

So County Court

This day Henry Morgan Clerk of the county court of So County personally appeared before Mr Richard M Hamblen clerk of the circuit court of said county and made oath that he had duly posted at the door of the court House of So County a copy of the within order given under my hand this 6th day of October 1858.

R. M. Hamblen Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting :

WE COMMAND YOU TO SUMMON

John Sisk and Timothy Sisk

to appear before the ~~Judge~~ ^{Justices} of our ~~Circuit~~ ^{County} Court for Lee county, at the Court House, *on the first Monday*
in September 1858 - - - to answer
a bill in Chancery exhibited in our said Court against *them* by *James Spraul* administrator
of W. H. A. Spraul Deceased, a pledgee of Thomas Graham

Henry J. Morgan
And have then there this writ. WITNESS, ~~JOHN W. S. MORGAN~~, Clerk of our said Court, at the Court House,
this *8* day of *September* 1858, in the *88th* year of the Commonwealth.

H. J. Morgan, C. C.

James Spruell admr.

vs. } Spoo Chy

J. & Timothy Lisk

Septm Rules 1838,

Executed Sept 3
1838 on T. Lisk

E B Crockett for
J. H. Allen & Co.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

John Sisk and Timothy Sisk

Justice County
to appear before the ~~Judge~~ of our ~~Circuit~~ Court for Lee county, at the Court House, *On the first Monday*
in September 1858. . . . to answer

a bill in Chancery exhibited in our said Court against ~~them~~ by *James Sprout administrator*
of W. A. H. Sprout Deceased apigeon of Thomas Graham

And have then there this writ.

WITNESS, *Henry J. Morgan*, Clerk of our said Court, at the Court House,
this *8th* day of *September* 18*58*, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.
A. Copy Diste H. J. Morgan, C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

John Sisk & Timothy Sisk

to appear before the Justices of our County Court for Lee County, at the Court House, *on the first day*
of the December term next to answer

an amended bill in Chancery exhibited in our said Court against *them* by *James Sprue* administrator
of the estate of *William H. Sprue* executor of *Thomas*
Graham who sues for the benefit of *Eli H. Crockett*.

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this

17th day of *December*

185*8*, in the *83rd*

year of the Commonwealth.

H. J. Morgan, C. C.

James Spruel Adm^r

vs Spain Ship

John & Timothy Sisk

Dec Term 1858.

executed on
Timothy Sisk &
John Sisk not
found Dec
20th 1858
D Patent Dec

VIRGINIA, *Washington County, to wit:*

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand *Oct 14th* 1858

Printer's fee, \$

Geo. R. Barr
Jr. Ed. "Virginian"

VIRGINIA—Articles held in the Clerk's office of the County Court of Lee County, on Monday, the 6th day of September, 1858:

James Sproul, Administrator of William H. H. Sproul, deceased, Complainant,

AGAINST

John and Timothy Sisk, Defendants.

The object of this suit is to obtain a decree of the court subjecting the town lots mentioned in complainant's bill, to sale for the payment of the debt therein mentioned; and it appearing from satisfactory evidence that John Sisk is not an inhabitant of this commonwealth, it is ordered that the said defendant do appear here within one month after due publication of this order and answer the bill of complainant, or do what is necessary to protect his interest; and that a copy of this order be forthwith inserted in some newspaper published in this commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste,

H. J. MORGAN, c. c.

Sept. 18—4w